GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Universities – Vikrama Simhapuri University, Nellore – Rescinding the appointment of Prof. R.Sudarsana Rao, Professor (Retd.) as Vice Chancellor to Vikrama Simhapuri University, Nellore as per the orders of Hon'ble High Court of A.P in W.P.(PIL) No.116 of 2019 – Orders – Issued.

HIGHER EDUCATION (U.E) DEPARTMENT

G.O.Ms.No.28. Dated:14-05-2021.

Read the following:-

1. G.O.Rt.No.66, Higher Education (U.E) Dept, Dated:11.4.2018.
2. G.O.Ms.No.25, Higher Education (U.E) Dept, Dated:25.7.2018.
3. Orders of the Hon'ble High Court in W.P(PIL) No.116 of 2019.

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O R D E R:

In the G.O. 1st read above, a Search Committee comprising Special Chief Secretary to Govt, Higher Education Department as a Member/Government nominee was constituted to suggest a panel of (3) Members for appointment of Vice-Chancellor, Vikrama Simhapuri University, Nellore. The above said search committee has recommended three names including Prof. R.Sudarsana Rao, Professor (Retd.), Department of Economics, Andhra University, Visakhapatnam in alphabetical order. All the three (3) names were forwarded to the Chancellor. Prof.R.Sudarsana Rao, was appointed as Vice Chancellor to Vikrama Simhapuri University, Nellore out of the said panel in the G.O.2nd read above in exercise of the powers conferred under Section 11 (1) read with Section 12 (1) of Andhra Pradesh Universities Act, 1991 (Act No.4 of 1991) and as amended subsequently for a period of three years from the date of his appointment.

2. The Hon'ble High Court in its Order 3rd read above has made the following orders:

" ------- 28. In Professor. Muniratnam Reddy (Supra), challenge was made to various G.Os, appointing Prl.Secretary to Govt, Higher Education Dept, Govt., of A.P as a state Govt nominee in the search committee for selection of Vice Chancellors to be appointed in respondents 5 to 9 universities therein. This court had held as follows;

20. Therefore, once the UGC regulations are adopted by the State, the same are binding on the Govt and regulation 7.3.0 of the UGC rules as adopted by the State, disables a person to be a member of the search committee if he is otherwise connected with university or college in any manner.'

Contd.P.2

21. As stated above, the Principal Secretary to Govt., Higher Education, who has every role to play in the administration of University and its colleges cannot be member of the search committee, more so, being the ex-officio member of the Executive Council of the Universities.

29. Holding as aforesaid all G.Os, constituting search committees were set aside and respondent were directed to re-constitute fresh Search Committees, if not already constituted, in accordance with the UGC regulations for appointment of Vice Chancellors.

30. In view of the above discussions, it is manifest that appointment of Special Chief Secretary as the Govt., nominee in the selection committee has vitiated the constitution of the selection committee.Therefore appointment of respondent No.7 based on the recommendation of or selection made by such committee can not be sustained in law.

31. Resultantly, this Writ Petition (Public interest Litigation) is allowed, setting aside the appointments of respondent No.7. The State –respondents may take appropriate steps for appointment to the post of Vice Chancellors in accordance with law. No order as to costs. Pending miscellaneous applications, if any, shall stand ".

3. As per para-30 of above Judgment, it is manifest that appointment of Special Chief Secretary to Government as Government nominee in the Selection Committee / Search Committee for appointment of Vice-Chancellor, Vikrama Simhapuri University has vitiated the constitution of Selection Committee/Search Committee and consequently appointment of Vice-Chancellor is also vitiated. Therefore, appointment of Prof. R.Sudarsana Rao as Vice-Chancellor to Vikrama Simhapuri University based on the selection made by such selection committee/Search Committee cannot sustain in law.

4. In compliance with the orders of the Hon'ble High Court in W.P.(PIL) No.116 of 2019, I, Biswabhusan Harichandan, Chancellor, Vikrama Simhapuri University, Nellore, hereby rescind the appointment of Prof.R.Sudarsana Rao as Vice Chancellor, Vikrama Simhapuri University, Nellore with immediate effect.

BISWABHUSAN HARICHANDAN
GOVERNOR OF ANDHRA PRADESH
AND CHANCELLOR

Amaravati.
Dated:14.5.2021.

SATISH CHANDRA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Prof. R.Sudarsana Rao, Professor (Retd.), through Registrar of the University.
The Registrar, Vikrama Simapuri University, Nellore.

Contd.P.

The Secretary to Governor, Raj Bhavan, Vijayawada.
The Secretary, A.P. State Council of Higher Education, Mangalagiri
Copy to:
The Secretary, Union Grants Commission (UGC), New Delhi
The Accountant General, A.P., Hyderabad
The P.S. to Secretary to C.M.
The Addl. P.S. to Minister (Education)
The P.S. to Spl.Chief Secretary to Govt., Higher Education Dept.
SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER